

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Cause No.: 4:22CR298 SRC/SPM
 v.)
)
)
)
 ANTHONY "TONY" WEAVER, SR.,)
)
)
 Defendant.)

**MOTION TO DELAY SURRENDER DATE TO BOP FOR TWO WEEKS, SO
THAT THE DEFENDANT MAY COMPLETE CANCER TREATMENTS**

Come now the Defendant by and through counsel and request that the Defendant's Bureau of Prison Assignment be modified or date to surrender be modified from July 7, 2023 to July 21, 2023. In support of said motion Defendant states the following:

1. On January 26, 2023 the Defendant was sentenced to 18 in the Bureau of Prison.
2. The Defendant has been diagnosed with stage IV prostate cancer.
3. The Defendant's survival rate is severely adversely affected unless he immediately received medical treatment for prostate cancer. (See Exhibit A).
4. In preparation for said radiation treatment the Defendant has undergone or received the following medical treatment:
 - a. On 3/14/23 received an injection or shot for the purpose of reducing the Defendant's testosterone. The Defendant was medically required to wait 4-6 weeks after receiving said shot or injection of Eligard to see how his body would react. Sometimes a patient's body may reject said injection which would cause the Defendant not to be able to get said radiation treatment;
 - b. On 4/7/23 a bone scan of the Defendant was taken;
 - c. On 4/13/23 a colonoscopy was performed;
 - d. On 4/17/23 a Mir was performed to determine the exact location where radiation should be administered, and a CT scan was performed. Also, the location to administer the radiation on the Defendant's body was marked;

- e. Radiation has began and is administered daily. Radiation treatments are scheduled to last for approximately 9 weeks. It is not uncommon for radiation patients to feel sick, weak and infirmed after receiving radiation treatment (See Exhibits A and B).
- 5. The Defendant began receiving radiation treatments at the Siteman Cancer Center. It is important to note, that doctors would not allow the Defendant to receive radiation treatment until all items in #4 were completed (See Exhibit B).
- 6. The Siteman Cancer Center operated in conjunction with Washington University is a World Class Cancer Treatment Center, one the best in the world. The doctors at the Siteman Cancer Center have recommended that the Defendant receives all of radiation treatments at the Siteman Cancer Center. The doctors have advised that it is in the Defendant's best interest medically to receive all treatments at the Siteman Cancer Center.
- 7. The Defendant is scheduled to complete radiation therapy on 07/18/2023. (See Exhibit C)
- 8. Furthermore, reporting to the Bureau of Prison on July 7, 2023, is not compatible with Mr. Weaver's current treatment plan. (See Exhibit C) The Defendant is requesting that he be allowed to follow his doctor's instructions and receive all radiation treatments at the Siteman Cancer Center in St. Louis, surrounded by family, loved ones, and friends. The U.S. Government does not object to Defendant's request.

WHEREFORE the Defendant respectfully requests that his report date to the Bureau of Prison be continued to July 21st (See Exhibit C) so that he may complete his radiation treatment at the Siteman Cancer Center.

Respectfully Submitted:

RUDMAN & SMITH, LLC

/s/ Timothy J. Smith
Timothy J. Smith, #48655(MO)
2611 South Big Bend Blvd.
St. Louis, MO 63143
T: (314) 645-7246
F: (314) 645-4156
E: tjsmith@rudmansmithlaw.com

CERTIFICATE OF SERVICE

I hereby certify on this 23th day of June 2023; the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system.

/s/ *Timothy J. Smith*
Timothy J. Smith, #48655(MO)